

### ***AMENDMENTS TO THE CLAIMS***

Please amend the claims as indicated hereafter (where underlining “\_” denotes additions and strikethrough “-” denotes deletions).

#### ***Claims:***

1. (Currently Amended) A recordable media content purchasing system comprising:
  - a first memory; and
  - a first processor configured with the first memory to download recordable media content at one of a plurality of various download times for purchase of the recordable media content, wherein the processor uses reallocated excess on-demand infrastructure capacity.
2. (Original) The system of claim 1, wherein the first processor allocates the bandwidth for transmission of the recordable media content according to a series of recurring schedules that are based on historical bandwidth consumption.
3. (Original) The system of claim 1, wherein the first processor allocates the bandwidth for transmission of the recordable media according to a series of pre-configured schedule that are implemented according to current bandwidth consumption.
4. (Original) The system of claim 1, wherein the first processor is configured to encrypt the recordable media content.
5. (Original) The system of claim 1, wherein the first processor downloads recordable media content at a higher bit rate than the real-time playback rate of the recordable media content.

6. (Original) The system of claim 1, wherein the first processor downloads recordable media content at a lower bit rate than the real-time playback rate of the recordable media content.
7. (Original) The system of claim 1, further comprising a second memory configured for buffering the recordable media content, a primary storage device in electrical communications with the second memory, a secondary storage device in electrical communications with the second memory, wherein the secondary storage device is configured to store the recordable media in one of a plurality of portable mediums indefinitely, and a second processor configured by the second memory to provide a user interface to a user, wherein the user interface presents a variable price structure and a variable download structure for the purchase of recordable media based on the variable download rates and the variable download times allocated by the first processor, wherein the second processor is further configured to communicate the user request for recordable media to the first processor, wherein the second processor is further configured to receive the recordable media from the first processor, wherein the second processor is further configured to transfer the recordable media between the second memory and the primary storage device for storage in one of the plurality of portable mediums in the secondary storage device.
8. (Original) The system of claim 7, wherein the first processor is configured to authorize the transmission of the recordable media content to the second processor.
9. (Original) The system of claim 7, wherein the first processor receives download option requests and price option requests for the recordable media content from the second processor wherein the download option and the price option requests are selected by the user at the user interface.

10. (Original) The system of claim 7, wherein the first processor is in electrical communication with an on demand server.
11. (Original) The system of claim 10, wherein the first processor downloads recordable media content through the on demand server during peak bandwidth use based on the user demand for immediate download at a premium purchase price.
12. (Original) The system of claim 10, wherein the first processor downloads recordable media content through the on demand server during peak bandwidth use based on the user demand for an extended download duration at a reduced purchase price.
13. (Original) The system of claim 10, wherein the first processor downloads recordable media content through the on demand server during repossessed unused bandwidth intended for on-demand services.
14. (Original) The system of claim 10, wherein the repossessed unused bandwidth includes off peak bandwidth use.
15. (Currently Amended) The system of claim 14, wherein the first processor downloads recordable media content through the on demand server using reallocated excess on demand infrastructure capacity ~~during off repossessed unused bandwidth use~~ based on the user demand for immediate download at a reduced purchase price.
16. (Currently Amended) The system of claim 14, wherein the first processor downloads recordable media content through the on demand server using reallocated excess on demand infrastructure capacity ~~during repossessed unused bandwidth use~~ based on the user demand for an extended download duration at a reduced purchase price.

17. (Currently Amended) The system of claim 14, wherein the first processor downloads recordable media content through the on demand server using reallocated excess on demand infrastructure capacity during repossessed unused bandwidth use based on the user demand during peak bandwidth use for a delayed download that commences during the off peak bandwidth use for immediate download during the off-peak bandwidth use at a reduced purchase price.

18. (Currently Amended) The system of claim 14, wherein the first processor downloads recordable media content through the on demand server using reallocated excess on demand infrastructure capacity during repossessed unused bandwidth use based on the user demand during peak bandwidth use for a delayed download that commences during the off-peak bandwidth use for an extended download duration during the off-peak bandwidth use at a reduced purchase price.

19. (Original) The system of claim 1, wherein the first processor is in electrical communication with a broadcast file system server.

20. (Original) The system of claim 19, wherein the first processor stores recordable media in high demand in the broadcast file system server.

21. (Original) The system of claim 19, wherein the first processor stores new releases of recordable media in the broadcast file system server.

22. (Original) The system of claim 19, wherein the first processor downloads recordable media through the broadcast file system server.

23. (Original) The system of claim 19, wherein the first processor downloads recordable media through the broadcast file system server during periods of unused bandwidth of the broadcast file system server.

24. (Original) The system of claim 19, wherein the periods of unused bandwidth of the broadcast file system server include off-peak periods.

25. (Original) The system of claim 7, further comprising a printer, wherein the printer is configured to print labels that verify purchase and authenticity of recordable media content that is stored on one of the plurality of mediums located in the secondary storage device.

26. (Original) The system of claim 7, wherein the primary storage device comprises fast seek time and high data transfer rate characteristics.

27. (Original) The system of claim 7, wherein the primary storage device comprises a hard disk drive.

28. (Original) The system of claim 7, wherein the secondary storage device comprises portable media discs.

29. (Original) The system of claim 7, wherein the secondary storage device comprises a compact disc drive with write capability.

30. (Original) The system of claim 7, wherein the secondary storage device comprises a multiple compact disc carousel drive with write capability.

31. (Original) The system of claim 7, wherein the secondary storage device comprises digital video disc drive with write capability.

32. (Original) The system of claim 7, wherein the secondary storage device comprises a multiple digital video disc carousel drive with write capability.

33. (Original) The system of claim 7, wherein the second processor is configured to decrypt encrypted recordable media content.

34. (Original) The system of claim 7, wherein the request for the recordable media content occurs through an out of band transmission channel.

35. (Currently Amended) The system of claim 7, wherein the user interface enables the user to request an immediate download of the recordable media content at a high bit rate of a plurality of bit rates.

36. (Currently Amended) The system of claim 7, wherein the user interface enables the user to request a download of the recordable media content at a low bit rate of a plurality of bit rates.

37. (Currently Amended) The system of claim 7, wherein the user interface enables the user to request a delayed download of the recordable media content at a high bit rate of a plurality of bit rates.

38. (Currently Amended) The system of claim 7, wherein the user interface enables the user to request a delayed download of the recordable media content at a low bit rate of a plurality of bit rates.

39. (Original) The system of claim 7, wherein the user interface enables the user to select from a plurality of quality content options for the downloaded recordable media content.

40. (Original) The system of claim 7, wherein the user interface is configured as a plurality of recordable media content purchase screens.

41. (Original) The system of claim 40, wherein the recordable media content purchase screens enable the user to select from a plurality of download options and pricing options.

42. (Original) The system of claim 41, wherein the pricing options depend on factors selected from a group consisting of: user demand for a PRM title, bandwidth consumed to download the PRM title, the time of day, the day of the week, the time period the user has to wait for the commencement of the transmission, the time period the user has to wait for the completion of the transmission, PRM content type, the PRM content quality, and the delivery mode.

43. (Currently Amended) The system of claim 42, wherein the recordable media content purchase screens are configured to offer these at least one of the factors as pre-configured options.

44. (Original) The system of claim 43, wherein at least one of the recordable media content purchase screens is invoked through an interactive program guide.

45. (Original) The system of claim 44, wherein the recordable media content is represented as an icon in the interactive program guide as part of a subscriber network service.

46. (Original) The system of claim 43, wherein the recordable media content purchase screen is invoked through a service guide.

47. (Original) The system of claim 46, wherein the recordable media content is represented as an icon in the service guide as part of a subscriber network service.

48. (Original) The system of claim 46, wherein the recordable media content is available as a separate service entity within the service guide.
49. (Original) The system of claim 41, wherein the recordable media content purchase screen is invoked as an impulse purchase from within a subscriber network application.
50. (Original) The system of claim 41, wherein the recordable media content purchase screen is invoked within a subscriber network application.
51. (Original) The system of claim 41, wherein the recordable media content purchase screens are configured to offer a trial purchase.
52. (Currently Amended) The system of claim 51 52, wherein at least one of the secondary storage portable mediums is configured for valid decryption of encrypted trial purchase recordable media content for a specified trial period.
53. (Original) The system of claim 41, wherein the recordable media content purchase screens further include an unavailable recordable media content screen invoked when the recordable media content selection is unavailable.
54. (Original) The system of claim 53, wherein the unavailable recordable media content screen further includes alternative purchase options and alternative download options.
55. (Original) The system of claim 41, wherein the recordable media content purchase screen further includes a pin authorization screen.



56. (Original) The system of claim 7, wherein the second processor is configured to receive user input from a remote device.

57. (Original) The system of claim 7, wherein the second processor is configured to record the purchase transaction in the second memory.

58. (Original) The system of claim 57, wherein the second processor is configured to communicate the purchase transaction to the first processor.

59. (Original) The system of claim 58, wherein the communication is sent through the out of band channel.

60. (Original) The system of claim 57, wherein the first processor periodically polls the second memory to collect the purchase transaction information.

61. (Original) The system of claim 60, wherein the first processor automatically debits the user's account for the purchase transaction.

62. (Original) The system of claim 1, wherein the first processor is further configured to bill the user for the purchase of the recordable media content.

63. (Currently Amended) A recordable media content purchasing method comprising the steps of:

receiving a user request for purchase of recordable media content; and  
downloading the requested recordable media content at one of a plurality of  
various download times for purchase of the recordable media content,  
including during reallocated excess on-demand infrastructure capacity.

64. (Original) The method of claim 63, further comprising the step of providing a user interface for the use to request the recordable media content.
65. (Original) The method of claim 63, further comprising the step of providing the recordable media content from one of a plurality of on demand servers.
66. (Original) The method of claim 65, further comprising the step of selecting the on demand server that is unused and available for downloading.
67. (Original) The method of claim 65, further comprising the step of selecting the download option based on a plurality of schedule options.
68. (Original) The method of claim 65, further comprising the step of downloading the recordable media content immediately.
69. (Original) The method of claim 65, further comprising the step of downloading the recordable media content with latency.
70. (Original) The method of claim 65, further comprising the step of pricing the downloaded media content based on the availability of the on demand server and bandwidth use.
71. (Original) The method of claim 63, further comprising the step of offering a trial purchase.
72. (Original) The method of claim 63, further comprising the step of offering an impulse purchase.

73. (Original) The method of claim 63, further comprising the step of providing the downloaded media content at a variable bit rate.

74. (Original) The method of claim 63, further comprising the step of repossessing the off-peak bandwidth for downloading the media content.